

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	VIOLATIONS: 04-40012-FDS
)	
	)	-21 U.S.C. § 846 -
v.	)	Conspiracy To Distribute, And
	)	Possess With Intent to
	)	Distribute, Cocaine Base
CARLOS CABRAL,)	
a/k/a "Victor Matos,"	)	-21 U.S.C. § 841(a) (1) -
a/k/a "Carlos Estevez,"	)	Possession With Intent To
	)	Distribute, and Distribution
	)	of, Cocaine Base
)	
	)	-18 U.S.C. § 2 - Aiding and
	)	Abetting
)	
	)	- 21 U.S.C. § 853
	)	Criminal Forfeiture

FIRST SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. §841(a) (1) - Possession Of Cocaine Base
With Intent To Distribute, and Distribution of,
Cocaine Base;

The Grand Jury charges that:

On or about November 21, 2003, at Worcester, in the District
of Massachusetts,

CARLOS CABRAL,
a/k/a "Victor Matos,"
a/k/a "Carlos Estevez,"

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, a quantity of cocaine
base, also known as "crack," a Schedule II controlled substance.

It is further alleged that this offense involved 5 grams or
more of a mixture and substance containing a detectable amount of

cocaine base, also known as "crack," a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO: (21 U.S.C. §841(a)(1) - Possession With Intent To Distribute, and Distribution of, Cocaine Base)

The Grand Jury further charges that:

On or about January 21, 2004, at Worcester, in the District of Massachusetts,

**CARLOS CABRAL,
a/k/a "Victor Matos,"
a/k/a "Carlos Estevez,"**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

It is further alleged that this offense involved 5 grams or more of a mixture and substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE: (21 U.S.C. §846 - Conspiracy To Distribute, and To Possess With Intent to Distribute Cocaine Base)

The Grand Jury further charges that:

On or about February 10, 2004, at Northbridge, Sutton and elsewhere in the District of Massachusetts,

**CARLOS CABRAL,
a/k/a "Victor Matos,"
a/k/a "Carlos Estevez,"**

defendant herein, did knowingly and intentionally combine, conspire, confederate and agree with Elys Garcia, a/k/a "Ellie", a/k/a "Maria Varga," and with other persons unknown to the Grand Jury, to distribute, and to possess with intent to distribute, cocaine base, also known as "crack," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy involved 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, also known as "crack," a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(A)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section 846.

**COUNT FOUR: (21 U.S.C. §841(a)(1) - Possession Of Cocaine Base
With Intent To Distribute, and Distribution of,
Cocaine Base; 18 U.S.C. §2 - Aiding and Abetting)**

The Grand Jury further charges that:

On or about February 10, 2004, at Northbridge, in the
District of Massachusetts,

**CARLOS CABRAL,
a/k/a "Victor Matos,"
a/k/a "Carlos Estevez,"**

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, a quantity of cocaine
base, also known as "crack," a Schedule II controlled substance.

It is further alleged that this offense involved 50 grams or
more of a mixture and substance containing a detectable amount of
cocaine base, also known as "crack," a Schedule II controlled
substance. Accordingly, Title 21, United States Code, Section
841(b)(1)(A)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section
841(a)(1) and Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATION
(21 U.S.C. §853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One through Four of this Indictment,

**CARLOS CABRAL,
a/k/a "Victor Matos,"
a/k/a "Carlos Estevez,"**

defendant herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendant -

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds the following:

1) That the offense charged in Count One involved at least 20 grams but less than 35 grams of a mixture containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, USSG §2D1.1(c)(6) is applicable to this case.

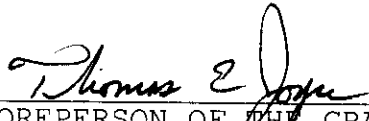
3) That the offense charged in Count Two involved at least 20 grams but less than 35 grams of a mixture containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, USSG §2D1.1(c)(6) is applicable to this case.


4) That the offense charged in Count Three involved at least 50 grams but less than 150 grams of a mixture containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, USSG §2D1.1(c)(4) is applicable to this case.

4) That the offense charged in Count Four involved at least 50 grams but less than 150 grams of a mixture containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, USSG §2D1.1(c)(4) is applicable to this case.

5) That the offense charged in Counts One through Four involved at least 50 grams but less than 150 grams of a mixture containing a detectable amount of cocaine base, a Schedule II controlled substance. Accordingly, USSG §2D1.1(c)(4) is applicable to this case.


A TRUE BILL


FOREPERSON OF THE GRAND JURY


PAUL G. CASEY
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; December 15, 2004.

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK
200pm

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. X Case No. 04-00012-FDS
Same Defendant X New Defendant _____
Magistrate Judge Case Number 04-1705-CBS
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name CARLOS CABRAL Juvenile ☐ Yes ☒ NoAlias Name a/k/a "Carlos Estevez," a/k/a "Victor Matos"

Address _____

Birth date: _____ SS#: _____ Sex: M Race: Hispanic Nationality: _____Defense Counsel if known: Elliot Weinstein Address: 228 Lewis Wharf, Boston, MA 02110

Bar Number: _____

U.S. Attorney Information:AUSA PAUL G. CASEY Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: April 14, 2004☒ Already in Federal Custody as Defendant in Wyatt Detention Center☐ Already in State Custody ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12/15/04 Signature of AUSA: Paul G. Casey

District Court Case Number (To be filled in by deputy _____)

Name of Defendant Carlos Cabral a/k/a "Carlos Estevez," a/k/a "Victor Matos"

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. § 841 (a)(1)</u>	<u>Distribute and possess with intent to</u>	<u>1, 2, 4</u>
Set 2	_____	<u>distribute cocaine base</u>	_____
Set 3	<u>21 U.S.C. §846</u>	<u>conspiracy to distribute</u>	<u>3</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

